

# HOUSE JOURNAL

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EIGHTY-EIGHTH LEGISLATURE, FOURTH CALLED SESSION

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## PROCEEDINGS

FIFTH DAY — TUESDAY, NOVEMBER 14, 2023

The house met at 6:23 p.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 36).

Present — Mr. Speaker(C); Allen; Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bernal; Bhojani; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; Garcia; Gates; Gerdes; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Hull; Hunter; Isaac; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lambert; Landgraf; Leach; Leo-Wilson; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murr; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Patterson; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schaefer; Schatzline; Schofield; Shaheen; Sherman; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Tinderholt; Toth; Troxclair; Turner; VanDeaver; Vasut; Vo; Walle; Wilson; Wu; Zwiener.

Absent, Excused — Anchía; Harless; Jones, V.; Lalani.

## **LEAVES OF ABSENCE GRANTED**

On motion of Representative Metcalf and by unanimous consent, all members who were granted leaves of absence on the previous legislative day were granted leaves for this legislative day.

## **GENERAL STATE CALENDAR**

### **SENATE BILLS**

### **THIRD READING**

The following bills were laid before the house and read third time:

### SB 3 ON THIRD READING

(Jetton, Bonnen, Cain, DeAyala, Kitzman, et al. - House Sponsors)

**SB 3**, A bill to be entitled An Act relating to an appropriation to provide funding for the construction, operation, and maintenance of border barrier infrastructure and border security operations, including funding for additional overtime expenses and costs due to certain increased law enforcement presence.

### SB 3 - POINT OF ORDER

Representative Bryant raised a point of order against further consideration of **SB 3** under Rule 8, Section 4, of the House Rules on the grounds that the bill changes general law through an appropriations bill.

(Speaker pro tempore in the chair)

The point of order was withdrawn.

### Amendment No. 1

Representative T. King offered the following amendment to **SB 3**:

Amend **SB 3** on third reading in SECTION 1(a) of the bill, making an appropriation, by striking "the provision of assistance to local governments and local law enforcement agencies to alleviate costs associated with the enforcement and prosecution of criminal laws involving illegal entry into this state or illegal presence in this state and the detention of individuals alleged to have violated those laws" and substituting "to provide grants to local governments and local law enforcement agencies to alleviate costs associated with an increased demand on local prosecutorial, judicial, and correctional resources".

Amendment No. 1 was adopted.

(Speaker in the chair)

**SB 3**, as amended, was passed by (Record 37): 84 Yeas, 59 Nays, 1 Present, not voting.

Yeas — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bonnen; Buckley; Bumgarner; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Frank; Frazier; Gates; Gerdes; Geren; Goldman; Guillen; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Holland; Hull; Hunter; Isaac; Jetton; Kacal; King, K.; Kitzman; Klick; Kuempel; Lambert; Landgraf; Leach; Leo-Wilson; Longoria; Lopez, J.; Lozano; Lujan; Metcalf; Meyer; Morrison; Murr; Noble; Oliverson; Orr; Patterson; Paul; Price; Raney; Rogers; Schaefer; Schatzline; Schofield; Shaheen; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Tepper; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; VanDeaver; Vasut; Wilson.

Nays — Allen; Bernal; Bhojani; Bowers; Bryant; Bucy; Campos; Canales; Cole; Collier; Cortez; Davis; Dutton; Flores; Gámez; Garcia; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Hernandez; Herrero; Hinojosa; Howard; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Lopez, R.; Manuel; Martinez; Martinez Fischer; Meza; Moody; Morales, C.; Morales, E.; Morales

Shaw; Muñoz; Neave Criado; Ordaz; Ortega; Perez; Plesa; Ramos; Raymond; Reynolds; Romero; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner; Vo; Walle; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchía; Harless; Jones, V.; Lalani.

Absent — King, T.

The chair stated that **SB 3** was passed subject to the provisions of Article III, Section 49a, of the Texas Constitution.

### STATEMENT OF VOTE

When Record No. 37 was taken, I was excused because of important business. I would have voted yes.

Harless

### REASON FOR VOTE

Representative Plesa submitted the following reason for vote to be printed in the journal:

I voted no on **SB 3** for a few important reasons that must be stated for the record. I'm committed to working with all members to reduce unlawful entry, human trafficking, narcotics and firearm smuggling, and end the humanitarian crisis at our southern border. This legislation is not a good use of taxpayer dollars as it authorizes \$1.5 billion for less than 60 miles of a tactical barrier, or wall. Our border is more than 800 miles long. A border wall has been proven to be ineffective and the price tag is far too steep for Texas taxpayers to carry without any transparency or accountability on the progress or completion of this pet project. In the past two years, the house has appropriated \$6 billion for border security. I have been to the southern border and met with the chief of Customs and Border Patrol for our region. Our uniformed officers on the border understand that a wall will not address the challenges they face or aid in their mission.

**SB 3** fails to prioritize the technology or modern tools preferred and requested by Customs and Border Patrol, such as infrared and heat sensing UAS drones. Even if the border walls were effective and the state had a role in immigration enforcement, the scale and magnitude of an 800 mile wall, that has a price tag of upwards of \$20 billion, should be done in coordination with the federal government, Customs and Border Patrol, and the Army Corps of Engineers. The \$20 billion cost of a wall is enough money to build a new hospital in every Texas county that currently does not have one.

There is a severe lack of transparency and the legislature has not been furnished with any details or plan as to how these funds will be used, what expenses are authorized, or any of the basic details that are needed to justify an expenditure of this magnitude. There have been whistleblower reports from our Texas National Guardsmen stationed on the border that they have failed to be

paid on time or in full and their suicide rates have spiked. Due to this gross lack of transparency, I am not comfortable appropriating any more funds to Operation Lone Star until there is a full assessment of its effectiveness.

#### **SB 4 ON THIRD READING**

**(Spiller, Hefner, K. Bell, Hunter, Geren, et al. - House Sponsors)**

**SB 4**, A bill to be entitled An Act relating to prohibitions on the illegal entry into or illegal presence in this state by a person who is an alien, the enforcement of those prohibitions and certain related orders, including immunity from liability and indemnification for enforcement actions, and authorizing or requiring under certain circumstances the removal of persons who violate those prohibitions; creating criminal offenses.

#### **Amendment No. 1**

Representative Ortega offered the following amendment to **SB 4**:

Amend **SB 4** on third reading, on page 4, between lines 20 and 21, by inserting the following:

Art. 5B.004. PEACE OFFICER TRAINING REGARDING DETENTION OF PERSONS ILLEGALLY ENTERING THIS STATE. Each peace officer who enforces compliance with Chapter 51, Penal Code, must complete an annual training regarding the rights of persons being detained under that chapter, including rights provided under federal immigration law. The officer's employing law enforcement agency shall provide the training required by this article.

A record vote was requested.

Amendment No. 1 failed of adoption by (Record 38): 62 Yeas, 82 Nays, 1 Present, not voting.

Yeas — Allen; Bernal; Bhojani; Bowers; Bryant; Bucy; Campos; Canales; Cole; Collier; Cortez; Davis; Dutton; Flores; Gámez; Garcia; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Hernandez; Herrero; Hinojosa; Howard; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; King, T.; Longoria; Lopez, R.; Manuel; Martinez; Martinez Fischer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Muñoz; Neave Criado; Ordaz; Ortega; Perez; Plesa; Ramos; Raney; Raymond; Reynolds; Romero; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner; Vo; Walle; Wu; Zwiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bonnen; Buckley; Bumgarner; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Frank; Frazier; Gates; Gerdes; Geren; Goldman; Guillen; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Holland; Hull; Hunter; Isaac; Jetton; Kacal; King, K.; Kitzman; Klick; Kuempel; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lozano; Lujan; Metcalf; Meyer; Morrison; Murr; Noble; Oliverson; Orr; Patterson; Paul; Price; Rogers; Schaefer; Schatzline; Schofield; Shaheen; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Tepper; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; VanDeaver; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchía; Harless; Jones, V.; Lalani.

### **Amendment No. 2**

Representative Walle offered the following amendment to **SB 4**:

Amend **SB 4** on third reading on page 2, between lines 10 and 11, by inserting the following:

Art. 5B.0015. CERTAIN DETENTION PROHIBITED. A peace officer may not detain a person under 11 years of age in connection with the investigation of an offense under Chapter 51, Penal Code.

A record vote was requested.

Amendment No. 2 failed of adoption by (Record 39): 59 Yeas, 85 Nays, 1 Present, not voting.

Yeas — Allen; Bernal; Bhojani; Bowers; Bryant; Bucy; Campos; Canales; Cole; Collier; Cortez; Davis; Dutton; Gámez; García; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Hernandez; Herrero; Hinojosa; Howard; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; King, T.; Longoria; Lopez, R.; Manuel; Martinez; Martinez Fischer; Moody; Morales, C.; Morales, E.; Morales Shaw; Muñoz; Neave Criado; Ordaz; Ortega; Perez; Plesa; Ramos; Raymond; Reynolds; Romero; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner; Vo; Walle; Wu; Zwiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bonnen; Buckley; Bumgarner; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Flores; Frank; Frazier; Gates; Gerdes; Geren; Goldman; Guillen; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Holland; Hull; Hunter; Isaac; Jetton; Kacal; King, K.; Kitzman; Klick; Kuempel; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lozano; Lujan; Metcalf; Meyer; Meza; Morrison; Murr; Noble; Oliverson; Orr; Patterson; Paul; Price; Raney; Rogers; Schaefer; Schatzline; Schofield; Shaheen; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Tepper; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; VanDeaver; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchía; Harless; Jones, V.; Lalani.

### **Amendment No. 3**

Representative Ordaz offered the following amendment to **SB 4**:

Amend **SB 4** on third reading on page 2, between lines 10 and 11, by inserting the following:

Art. 5B.0015. LIMITATION REGARDING ENFORCEMENT. Notwithstanding any other law, Chapter 51, Penal Code, may be enforced only by a ranger, officer, or member of the reserve officer corps commissioned by the Public Safety Commission and the director of the Department of Public Safety.

A record vote was requested.

Amendment No. 3 failed of adoption by (Record 40): 60 Yeas, 82 Nays, 1 Present, not voting.

Yeas — Allen; Bernal; Bhojani; Bowers; Bryant; Bucy; Campos; Canales; Cole; Collier; Cortez; Davis; Dutton; Flores; Gámez; García; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Hernandez; Herrero; Hinojosa; Howard; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; King, T.; Longoria; Lopez, R.; Manuel; Martinez; Martinez Fischer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Muñoz; Neave Criado; Ordaz; Ortega; Perez; Plesa; Ramos; Reynolds; Romero; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner; Vo; Walle; Wu; Zwiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bonnen; Buckley; Bumgarner; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Frank; Frazier; Gates; Gerdes; Geren; Goldman; Guillen; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Holland; Hull; Hunter; Isaac; Jetton; Kacal; King, K.; Kitzman; Klick; Kuempel; Lambert; Landgraf; Leach; Leo-Wilson; Lozano; Lujan; Metcalf; Meyer; Morrison; Murr; Noble; Oliverson; Orr; Patterson; Paul; Price; Raney; Rogers; Schaefer; Schatzline; Schofield; Shaheen; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Tepper; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; VanDeaver; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchía; Harless; Jones, V.; Lalani.

Absent — Lopez, J.; Raymond.

### STATEMENT OF VOTE

When Record No. 40 was taken, I was in the house but away from my desk. I would have voted no.

J. Lopez

### Amendment No. 4

Representatives T. King, Raymond, E. Morales, Romero, Ordaz, Guillen, and J. Lopez offered the following amendment to **SB 4**:

Amend **SB 4** on third reading on page 4, between lines 20 and 21, by inserting the following:

Art. 5B.004. COMPENSATION TO LOCAL ENTITY FOR ENFORCEMENT OF CERTAIN ILLEGAL ENTRY OFFENSES. (a) In this article, "local entity" means:

- (1) a municipality or county;
- (2) a district attorney, criminal district attorney, or county attorney with criminal jurisdiction; or
- (3) a county court.

(b) Out of funds appropriated to the governor's office or the trustee programs within that office for border security purposes, the governor's office, on request of a local entity that arrests, prosecutes, or confines a person for an offense under Chapter 51, Penal Code, or adjudicates a criminal action brought under that chapter, shall compensate the local entity for those costs.

(c) A request for compensation under Subsection (b) must be in writing and specify the actual cost incurred by the local entity for the arrest, prosecution, confinement, or adjudication, as applicable.

A record vote was requested.

Amendment No. 4 failed of adoption (not receiving the necessary two-thirds vote) by (Record 41): 92 Yeas, 50 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Ashby; Bell, K.; Bernal; Bhojani; Bowers; Bryant; Bucy; Bumgarner; Campos; Canales; Clardy; Cole; Collier; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dutton; Flores; Frank; Frazier; Gámez; García; Gerdes; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Hayes; Hernandez; Hinojosa; Howard; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; King, K.; King, T.; Lambert; Landgraf; Longoria; Lopez, J.; Lopez, R.; Lujan; Manuel; Martinez Fischer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murr; Neave Criado; Ordaz; Ortega; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Sherman; Shine; Slawson; Smith; Smithee; Stucky; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner; VanDeaver; Vo; Walle; Wu; Zwiener.

Nays — Anderson; Bailes; Bell, C.; Bonnen; Buckley; Burns; Burrows; Button; Cain; Capriglione; Cook; Dorazio; Gates; Goldman; Harris, C.E.; Harris, C.J.; Harrison; Hefner; Holland; Hull; Hunter; Isaac; Jetton; Kacal; Kitzman; Klick; Kuempel; Leach; Leo-Wilson; Lozano; Metcalf; Meyer; Noble; Oliverson; Orr; Patterson; Paul; Schaefer; Schatzline; Schofield; Shaheen; Spiller; Swanson; Tepper; Thimesch; Tinderholt; Toth; Troxclair; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchía; Harless; Jones, V.; Lalani.

Absent — Herrero; Martinez.

### STATEMENTS OF VOTE

When Record No. 41 was taken, I was shown voting no. I intended to vote yes.

Kuempel

When Record No. 41 was taken, I was shown voting no. I intended to vote yes.

Wilson

**Amendment No. 5**

Representative Bhojani offered the following amendment to **SB 4**:

Amend **SB 4** on third reading on page 4, between lines 20 and 21, by inserting the following:

Art. 5B.004. PEACE OFFICER DUTY TO VERIFY IMMIGRATION STATUS. Before arresting a person for an offense under Chapter 51, Penal Code, the arresting peace officer shall make every reasonable effort to verify the person's immigration status.

Art. 5B.005. CERTAIN ARRESTS PROHIBITED. A peace officer may not arrest a person for an offense under Chapter 51, Penal Code, if the officer knows or reasonably should know that the person is lawfully present in the United States.

A record vote was requested.

Amendment No. 5 failed of adoption by (Record 42): 61 Yeas, 82 Nays, 1 Present, not voting.

Yeas — Allen; Bernal; Bhojani; Bowers; Bryant; Bucy; Campos; Canales; Cole; Collier; Cortez; Davis; Dutton; Flores; Gámez; Garcia; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Hernandez; Herrero; Hinojosa; Howard; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; King, T.; Longoria; Lopez, R.; Manuel; Martinez; Martinez Fischer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Muñoz; Neave Criado; Ordaz; Ortega; Perez; Plesa; Ramos; Raymond; Reynolds; Romero; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner; Vo; Walle; Wu; Zwiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bonnen; Buckley; Bumgarner; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Frank; Frazier; Gates; Gerdes; Geren; Goldman; Guillen; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Holland; Hull; Hunter; Isaac; Jetton; Kacal; King, K.; Kitzman; Klick; Kuempel; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lozano; Lujan; Metcalf; Meyer; Morrison; Murr; Noble; Oliverson; Orr; Patterson; Paul; Price; Raney; Rogers; Schaefer; Schatzline; Shaheen; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Tepper; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; VanDeaver; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchía; Harless; Jones, V.; Lalani.

Absent — Schofield.

**Amendment No. 6**

Representative Ramos offered the following amendment to **SB 4**:

Amend **SB 4** on third reading as follows:

(1) On page 7, between lines 11 and 12, insert the following:



(c) It is an affirmative defense to prosecution under this section that, at the time of the commission of an offense described by Section 51.02 or 51.03, the person was accompanied by a minor child related to the person within the third degree of consanguinity or affinity.

(2) On page 4, between lines 15 and 16, insert the following:

(h) A magistrate or judge may not issue a written order authorized by Subsection (a) or (b) if, at the time of the commission of the offense, the person was accompanied by a minor child related to the person within the third degree of consanguinity or affinity.

(3) On page 4, between lines 20 and 21, insert the following:

Art. 5B.004. PROHIBITION ON SEPARATION OF FAMILY. A peace officer may not separate two or more individuals who are arrested under Chapter 51, Penal Code, if the officer knows or should reasonably know that the individuals are related by consanguinity or affinity.

A record vote was requested.

Amendment No. 6 failed of adoption by (Record 43): 61 Yeas, 83 Nays, 1 Present, not voting.

Yeas — Allen; Bernal; Bhojani; Bowers; Bryant; Bucy; Campos; Canales; Cole; Collier; Cortez; Davis; Dutton; Flores; Gámez; Garcia; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Hernandez; Herrero; Hinojosa; Howard; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; King, T.; Longoria; Lopez, R.; Manuel; Martinez; Martinez Fischer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Muñoz; Neave Criado; Ordaz; Ortega; Perez; Plesa; Ramos; Raymond; Reynolds; Romero; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner; Vo; Walle; Wu; Zwiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bonnen; Buckley; Bumgarner; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Frank; Frazier; Gates; Gerdes; Geren; Goldman; Guillen; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Holland; Hull; Hunter; Isaac; Jetton; Kacal; King, K.; Kitzman; Klick; Kuempel; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lozano; Lujan; Metcalf; Meyer; Morrison; Murr; Noble; Oliverson; Orr; Patterson; Paul; Price; Raney; Rogers; Schaefer; Schatzline; Schofield; Shaheen; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Tepper; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; VanDeaver; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchía; Harless; Jones, V.; Lalani.

## **Amendment No. 7**

Representative Turner offered the following amendment to **SB 4**:

Amend **SB 4** on third reading as follows:

(1) Strike page 7, lines 17 through 19, and substitute the following:  
Sec. 117.001. DEFINITIONS. In this chapter:

(1) "Damages" includes any and all damages, fines, fees, penalties, court costs, attorney's fees, or other assessments.

(2) "Racial profiling" means a law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.

(2) Strike page 8, lines 21 and 22, and substitute the following:  
contractor:

(1) acted in bad faith, with conscious indifference, or with recklessness;

or

(2) engaged in racial profiling.

(3) Strike page 10, lines 3 and 4, and substitute the following:  
determines that the state official, employee, or contractor:

(1) acted in bad faith, with conscious indifference, or with recklessness;

or

(2) engaged in racial profiling.

A record vote was requested.

Amendment No. 7 failed of adoption by (Record 44): 61 Yeas, 82 Nays, 2 Present, not voting.

Yeas — Allen; Bernal; Bhojani; Bowers; Bryant; Bucy; Campos; Canales; Cole; Collier; Cortez; Davis; Dutton; Flores; Gámez; Garcia; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Hernandez; Herrero; Hinojosa; Howard; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; King, T.; Longoria; Lopez, R.; Manuel; Martinez; Martinez Fischer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Muñoz; Neave Criado; Ordaz; Ortega; Perez; Plesa; Ramos; Raymond; Reynolds; Romero; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner; Vo; Walle; Wu; Zwiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bonnen; Buckley; Bumgarner; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Frank; Frazier; Gates; Gerdes; Geren; Goldman; Guillen; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Holland; Hull; Isaac; Jetton; Kacal; King, K.; Kitzman; Klick; Kuempel; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lozano; Lujan; Metcalf; Meyer; Morrison; Murr; Noble; Oliverson; Orr; Patterson; Paul; Price; Raney; Rogers; Schaefer; Schatzline; Schofield; Shaheen; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Tepper; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; VanDeaver; Vasut; Wilson.

Present, not voting — Mr. Speaker(C); Hunter.

Absent, Excused — Anchía; Harless; Jones, V.; Lalani.

### STATEMENTS OF VOTE

When Record No. 44 was taken, I was shown voting no. I intended to vote present, not voting.

Jetton

When Record No. 44 was taken, I was shown voting no. I intended to vote present, not voting.

Landgraf

When Record No. 44 was taken, I was shown voting no. I intended to vote present, not voting.

Murr

### **Amendment No. 8**

Representative J. Jones offered the following amendment to **SB 4**:

Amend **SB 4** on third reading as follows:

(1) On page 7, line 21, strike "OFFICIALS, EMPLOYEES, AND CONTRACTORS" and substitute "OFFICIALS AND EMPLOYEES".

(2) On page 7, lines 22 and 23, strike "official, employee, or contractor" and substitute "official or employee".

(3) On page 7, line 25, strike "official, employee, or contractor" and substitute "official or employee".

(4) Strike page 8, lines 1 through 3, and substitute "official's or employee's office or employment".

(5) On page 8, lines 5 and 6, strike "official, employee, or contractor" and substitute "official or employee".

(6) On page 8, line 8, strike "official, employee, or contractor" and substitute "official or employee".

(7) On page 8, lines 10 through 12, strike "official's, employee's, or contractor's office, employment, or contractual performance for or service on behalf of the local government" and substitute "official's or employee's office or employment".

(8) On page 8, lines 20 and 21, strike "official, employee, or contractor" and substitute "official or employee".

(9) On page 8, lines 23 and 24, strike "official, employee, or contractor" and substitute "official or employee".

(10) On page 8, line 26, strike "official, employee, or contractor" and substitute "official or employee".

(11) On page 8, line 27, strike "official, employee, or contractor" and substitute "official or employee".

(12) On page 9, lines 2 through 4, strike "official's, employee's, or contractor's office, employment, or contractual performance for or service on behalf of the local government" and substitute "official's or employee's office or employment".

(13) On page 9, line 8, strike "OFFICIALS, EMPLOYEES, AND CONTRACTORS" and substitute "OFFICIALS AND EMPLOYEES".

(14) On page 9, line 10, strike "or contractor".

(15) On page 9, line 12, strike "official, employee, or contractor" and substitute "official or employee".

(16) On page 9, strike lines 15 and 16 and substitute "the official's or employee's office or employment".

(17) On page 9, line 19, strike "or contractor".

(18) On page 9, lines 20 and 21, strike "official, employee, or contractor" and substitute "official or employee".

(19) On page 9, lines 23 through 25, strike "official's, employee's, or contractor's office, employment, or contractual performance for or service on behalf of the state" and substitute "official's or employee's office or employment".

(20) On page 10, line 3, strike "official, employee, or contractor" and substitute "official or employee".

(21) On page 10, lines 5 and 6, strike "official, employee, or contractor" and substitute "official or employee".

(22) On page 10, line 7, strike "official, employee, or contractor" and substitute "official or employee".

(23) On page 10, line 8, strike "official, employee, or contractor" and substitute "official or employee".

(24) On page 10, strike lines 11 and 12 and substitute "the official's or employee's office or employment".

(25) On page 10, line 13, strike "official, employee, or contractor" and substitute "official or employee".

(26) On page 10, lines 16 and 17, strike "official, employee, or contractor" and substitute "official or employee".

(27) On page 10, lines 26 and 27, strike "official, employee, or contractor" and substitute "official or employee".

A record vote was requested.

Amendment No. 8 failed of adoption by (Record 45): 60 Yeas, 82 Nays, 1 Present, not voting.

Yeas — Allen; Bernal; Bhojani; Bowers; Bryant; Bucy; Campos; Canales; Cole; Collier; Cortez; Davis; Dutton; Flores; Gámez; Garcia; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Hernandez; Hinojosa; Howard; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; King, T.; Longoria; Lopez, R.; Manuel; Martinez; Martinez Fischer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Muñoz; Neave Criado; Ordaz; Ortega; Perez; Plesa; Ramos; Raymond; Reynolds; Romero; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner; Vo; Walle; Wu; Zwiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bonnen; Buckley; Bumgarner; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Frank; Frazier; Gates; Gerdes; Geren; Goldman; Guillen; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Holland; Hull; Hunter; Isaac; Jetton; Kacal; King, K.; Kitzman; Klick; Kuempel; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lozano; Lujan; Metcalf; Meyer; Morrison; Murr; Noble; Oliverson; Orr; Patterson; Paul; Price; Raney; Rogers; Schaefer; Schatzline; Schofield; Shaheen; Shine; Slawson; Smith; Spiller; Stucky; Swanson; Tepper; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; VanDeaver; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchía; Harless; Jones, V.; Lalani.

Absent — Herrero; Smithee.

**Amendment No. 9**

Representative Bryant offered the following amendment to **SB 4**:

Amend **SB 4** on third reading as follows:

(1) On page 8, line 22, between "recklessness" and the underlined period, insert "or if the local government official's, employee's, or contractor's actions resulted in the removal of a United States citizen as defined by 42 U.S.C. Section 9102.".

(2) On page 10, line 4, between "recklessness" and the underlined period, insert "or if the state official's, employee's, or contractor's actions resulted in the removal of a United States citizen as defined by 42 U.S.C. Section 9102.".

(3) On page 10, between lines 19 and 20, insert the following:

Sec. 117.0035. LIABILITY FOR REMOVAL OF CITIZEN. An official, employee, or contractor of a local government or the state who takes an action to enforce Chapter 51, Penal Code, or an order issued under Article 5B.002, Code of Criminal Procedure, that results in the removal of a person who is a United States citizen as defined by 42 U.S.C. Section 9102 is liable to the person removed for damages arising from the removal.

A record vote was requested.

Amendment No. 9 failed of adoption by (Record 46): 60 Yeas, 83 Nays, 1 Present, not voting.

Yeas — Allen; Bernal; Bhojani; Bowers; Bryant; Bucy; Campos; Canales; Cole; Collier; Cortez; Davis; Dutton; Flores; Gámez; Garcia; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Hernandez; Hinojosa; Howard; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; King, T.; Longoria; Lopez, R.; Manuel; Martinez; Martinez Fischer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Muñoz; Neave Criado; Ordaz; Ortega; Perez; Plesa; Ramos; Raymond; Reynolds; Romero; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner; Vo; Walle; Wu; Zwiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bonnen; Buckley; Bumgarner; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Frank; Frazier; Gates; Gerdes; Geren; Goldman; Guillen; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Holland; Hull; Hunter; Isaac; Jetton; Kacal; King, K.; Kitzman; Klick; Kuempel; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lozano; Lujan; Metcalf; Meyer; Morrison; Murr; Noble; Oliverson; Orr; Patterson; Paul; Price; Raney; Rogers; Schaefer; Schatzline; Schofield; Shaheen; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Tepper; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; VanDeaver; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchía; Harless; Jones, V.; Lalani.

Absent — Herrero.

**Amendment No. 10**

Representative Walle offered the following amendment to **SB 4**:

Amend **SB 4** on third reading by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. The changes in law made by this Act apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense was committed before that date.

A record vote was requested.

Amendment No. 10 failed of adoption by (Record 47): 60 Yeas, 82 Nays, 1 Present, not voting.

Yeas — Allen; Bernal; Bhojani; Bowers; Bryant; Bucy; Campos; Canales; Cole; Collier; Cortez; Davis; Dutton; Flores; Gámez; Garcia; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Hernandez; Hinojosa; Howard; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; King, T.; Longoria; Lopez, R.; Manuel; Martinez; Martinez Fischer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Muñoz; Neave Criado; Ordaz; Ortega; Perez; Plesa; Ramos; Raymond; Reynolds; Romero; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner; Vo; Walle; Wu; Zwiener.

Nays — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bonnen; Buckley; Bumgarner; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Frank; Frazier; Gates; Gerdes; Geren; Goldman; Guillen; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Holland; Hull; Hunter; Isaac; Jetton; Kacal; King, K.; Kitzman; Klick; Kuempel; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lozano; Lujan; Metcalf; Meyer; Morrison; Murr; Noble; Oliverson; Orr; Patterson; Paul; Price; Raney; Rogers; Schaefer; Schatzline; Shaheen; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Tepper; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; VanDeaver; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchía; Harless; Jones, V.; Lalani.

Absent — Herrero; Schofield.

**SB 4** was passed by (Record 48): 83 Yeas, 61 Nays, 1 Present, not voting.

Yeas — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bonnen; Buckley; Bumgarner; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Frank; Frazier; Gates; Gerdes; Geren; Goldman; Guillen; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Holland; Hull; Hunter; Isaac; Jetton; Kacal; King, K.; Kitzman; Klick;

Kuempel; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lozano; Lujan; Metcalf; Meyer; Morrison; Murr; Noble; Oliverson; Orr; Patterson; Paul; Price; Raney; Rogers; Schaefer; Schatzline; Schofield; Shaheen; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Tepper; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; VanDeaver; Vasut; Wilson.

Nays — Allen; Bernal; Bhojani; Bowers; Bryant; Bucy; Campos; Canales; Cole; Collier; Cortez; Davis; Dutton; Flores; Gámez; Garcia; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Hernandez; Herrero; Hinojosa; Howard; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; King, T.; Longoria; Lopez, R.; Manuel; Martinez; Martinez Fischer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Muñoz; Neave Criado; Ordaz; Ortega; Perez; Plesa; Ramos; Raymond; Reynolds; Romero; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner; Vo; Walle; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchía; Harless; Jones, V.; Lalani.

### STATEMENT OF VOTE

When Record No. 48 was taken, I was excused because of important business. I would have voted yes.

Harless

### REASON FOR VOTE

Representative Plesa submitted the following reason for vote to be printed in the journal:

**SB 4** fails to provide any explanation of what this bill looks like in action. Basic questions regarding the implementation of this wide sweeping bill could not be answered at the time of debate. There was no explanation of how this bill interacts with conflicting state and federal laws. There was no cost evaluation, not even a ballpark figure, provided to lawmakers when the bill hit the house floor. We are being asked to vote for a policy proposal that is not fully flushed out and has not been thought through. This is a piece of legislation that was crafted without the input of border communities, their residents, their law enforcement officials, immigrant communities, or federal immigration practitioners. **SB 4** puts a strain on our law enforcement officers and asks them to take on additional responsibilities without increasing their pay at a time when we are facing a record workforce shortage in law enforcement.

Under this bill, we are asking law enforcement officers to make complex determinations on the spot that are typically made by federal judges after reviewing the totality of the circumstances. **SB 4** undermines the trust and relationships law enforcement has worked hard to build with communities of color and immigrant communities. The cost of this bill remains unknown to all at this time, but the true cost of this bill will be borne by local police and county sheriffs' departments. I supported an amendment to indemnify local governments from bearing the cost of this bill. Unfortunately, the amendment failed to be adopted. Without Chairman Tracy King's amendment, our municipal law

enforcement officers and county sheriffs will have to bear this expense. Those departments are funded by local tax revenue collected from property taxes. **SB 4** will cause our property taxes to rise by unknown levels as the bill lacks a cost evaluation. This is not good policy and after working all session to reduce property taxes by billions of dollars, I can not support raising them at high rates unbeknownst to lawmakers or taxpayers.

In addition to concerns around the cost, I have heard concerns from members of both parties and both chambers about the constitutionality of **SB 4**. The supremacy clause of the U.S. Constitution, a document which I took an oath to protect, clearly places all immigration matters in the purview of the federal government. **SB 4** clearly oversteps the jurisdiction of the state government. **SB 4** continues disregarding the Constitution by removing due process protections, even for American citizens. There are too many concerns, unanswered questions, and clear constitutional violations for this bill to be anything other than a vehicle for litigation in the United States Supreme Court. The cost of this litigation will also be placed upon the taxpayers of our state. It is the responsibility of the legislature to ensure that the government is spending the taxpayer's money responsibly and passing a bill without clear details on implementation or a cost effectiveness report is fiscally irresponsible and a disservice to Texans. Without a detailed plan, robust debate and amendment, or proper parliamentary procedure in either chamber, I can not, in good faith, vote for this bill that does not adhere to accountability to the people of Texas and perpetuates divisive stereotypes and dehumanizing rhetoric. The kind of rhetoric that has put a target on diverse communities like the one I'm blessed to represent.

#### **REMARKS ORDERED PRINTED**

Representative Romero moved to print all remarks on **SB 4** on third reading.

The motion prevailed.

#### **RECESS**

Representative C. Bell moved that the house recess until 10 a.m. Friday, November 17 in memory of Brent Dorman of Centerville.

The motion prevailed.

The house accordingly, at 7:59 p.m., recessed until 10 a.m. Friday, November 17.